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Via ECF

Hon. José L. Linares
United States District Judge
Martin Luther King Federal Building
50 Walnut Street
Newark, New Jersey 07102

Re: *In re Liquid Aluminum Sulfate Antitrust Litigation*
Civil Action No. 2:16-md-02687-JLL-JAD

Dear Judge Linares:

We are counsel for Plaintiff City of Lorain (*City of Lorain v. Reichl, et al.*, No. 2:16-cv-453-JLL-JAD) in the above-captioned action. Please accept this letter in support of Plaintiff's application to appoint our firm, Cohen Milstein Sellers & Toll PLLC, as a Steering Committee member pursuant to Fed. R. Civ. P. 23(g). Cohen Milstein's application to the Steering Committee is supported by James E. Cecchi of Carella Byrne, Cecchi, Olstein, Brody & Agnello, P.C. and Jason Zweig of Hagens Berman Sobol Shapiro LLP. Cohen Milstein supports Mr. Cecchi's application to be appointed lead counsel in this matter as well as the application of Hagens Berman to serve as a Steering Committee member.

Pursuant to Fed. R. Civ. P. 23(g), this Court may "designate interim counsel to act on behalf of the putative class before determining whether to certify the action as a class action." In doing so, the Court looks to: "(i) the work counsel has done in identifying or investigating potential claims in the action; (ii) counsel's experience in handling class actions, other complex litigation, and the types of claims asserted in the action; (iii) counsel's knowledge of the applicable law; and (iv) the resources that counsel will commit to representing the class." Fed. R. Civ. P. 23(g)(1)(A) and (B); *Galicki v. New Jersey*, No. 14-169 (JLL), 2014 U.S. Dist. LEXIS 141748 (D.N.J. Oct. 6, 2014) (Linares, J.). A class is fairly and adequately represented where counsel is qualified, experienced, and generally able to conduct the litigation on its behalf. *Hoxworth v. Blinder, Robinson & Co., Inc.*, 980 F.2d 912, 923 (3d Cir. 1992).

Our work investigating the claims in this case demonstrates that we will fairly and adequately represent the class. Cohen Milstein has done extensive, independent investigation, including conducting interviews, industry research, and a thorough review of Government documents, to develop claims arising from Defendants' anticompetitive conduct.



Further, Cohen Milstein has over 45 years of experience litigating antitrust matters on behalf of plaintiffs in some of the nation's most complex class cases, recovering billions of dollars in damages for injured plaintiffs. It has served as lead or co-lead class counsel for plaintiff classes in dozens of complex cases, developing wide-reaching expertise in directing those cases to trial. Most recently, in *In re Urethane Antitrust Litig.*, No. 04-md-1616 (D. Kan.), the firm served as co-lead counsel on behalf of a class of direct purchasers challenging price-fixing by manufacturers of chemicals used to make polyurethane foam. Prior to trial, the class secured settlements in the amount of \$139 million from four defendants, and upon taking the final defendant, Dow Chemical Company, to trial, won a jury verdict of more than \$400 million in single damages, automatically trebled to more than \$1 billion. The verdict was the largest jury verdict in the United States in 2013 according to the *National Law Journal*, and was upheld in full by the Tenth Circuit Court of Appeals. While the petition for certiorari was pending, the class secured a settlement of \$835 million, bringing the total settlements to \$974 million.

Cohen Milstein has specialized expertise in cases involving water treatment and manufacturing chemicals purchased by municipalities and private companies. The firm served as co-lead counsel in *Grand Strand Water & Sewer Authority v. Oltrin Solutions, et al.*, No. 4:14-cv-2800 (D.S.C.), representing the plaintiff class of municipalities and industry purchasers of bulk bleach with several of the same legal, factual, and economics issues likely to arise in this case. This year, we successfully resolved the case with an outstanding result for the class, satisfying nearly all class members' estimated single damages. The Judge complimented our work, stating that counsel's work "on the whole case" was "very professionally handled, skillfully handled." 2/29/16 Final Approval Hearing Tr. (ECF No. 140), at 2:21-3:11.

Additionally, Cohen Milstein has extensive experience litigating class actions involving concurrent government investigations and prosecutions, including cases involving ACPERA leniency applicants. For example, the firm recently served as co-lead class counsel for plaintiffs in *In re Elec. Books Antitrust Litig.*, No. 11-md-02293 (S.D.N.Y.), where the class plaintiffs and States Attorneys General worked closely together over a three year period and obtained settlements from defendant publishing houses and Apple Corporation totaling over \$560 million. The case against Apple was resolved just weeks before trial, after plaintiffs successfully obtained class certification and substantially excluded Apple's expert testimony on *Daubert* grounds.

The firm has also worked successfully with Mr. Cecchi as co-counsel in *In re Caterpillar, Inc.*, MDL No. 2540 (D.N.J.) before the Honorable Jerome Simandle. In that case, Cohen Milstein serves as Interim Co-Lead Class Counsel representing a class of firms and individuals that purchased or leased vehicles powered by Caterpillar's diesel engines, alleging that defects in the engines' exhaust emissions systems caused power losses and shutdowns that prevented or impeded their vehicles' operation.

Finally, Cohen Milstein has more than sufficient financial resources, as well as the necessary roster of talented attorneys and capable professional staff, to efficiently and aggressively litigate this case. The firm has 88 attorneys in six offices across the nation and is perfectly positioned to pursue all necessary avenues of discovery as well as direct and coordinate a broad team of attorneys to advance this action. The Cohen Milstein lawyers who will prosecute this litigation – partners Richard A. Koffman, Manuel John Dominguez, and Brent W. Johnson, along with senior associate Hiba Hafiz – bring considerable expertise to the table.



Mr. Koffman is a highly respected leader at Cohen Milstein and in the antitrust bar. He is the co-Chair of the Antitrust Practice Group at the firm. For the past five years, the U.S. Legal 500 has listed Mr. Koffman as one of the nation's "leading lawyers" in the field of antitrust class actions. He has been selected as one of the world's leading competition lawyers by "Global Competition Review," in *Who's Who Legal: Competition 2016*. Mr. Koffman served as lead counsel for direct purchasers in numerous actions, including the above-mentioned *In re Urethane Antitrust Litigation* (D. Kan.) (settled for \$974 million) and *In re Plasma Derivative Protein Therapies Antitrust Litigation* (N.D. Ill.) (settled for \$128 million). Prior to joining the firm, Mr. Koffman spent four years as a Senior Trial Attorney in the Antitrust and Civil Rights Divisions at the Department of Justice. Mr. Koffman is a graduate of Yale Law School (J.D., 1990) and former law clerk to Judge Anthony J. Scirica of the U.S. Court of Appeals for the Third Circuit.

Mr. Dominguez has litigated complex antitrust, securities and consumer class actions for over 15 years, serving as lead counsel and handling numerous high-profile cases. He currently represents plaintiffs as lead counsel or in the co-lead counsel team in antitrust litigation involving alleged price-fixing and other anti-competitive conduct in truck transmissions, auto parts, and financial industries. Mr. Dominguez is nationally recognized for his expertise in electronic discovery management, has presented on the impact of the new e-discovery amendments to the Federal Rules of Civil Procedure, and participated in The Sedona Conference Working Group. Mr. Dominguez served as the Chair for the Antitrust, Franchise & Trade Regulation Committee of the Florida Bar's Business Law Section.

Mr. Johnson has over a decade of experience in complex antitrust litigation and class actions. Most recently, Mr. Johnson investigated and filed the first case that became *In re Domestic Drywall Antitrust Litig.*, No. 13-md-2437 (E.D. Pa.) (achieving a nearly \$55 million settlement with two major defendants and proceeding to trial following denial of summary judgment against four other major defendants). He also serves as co-lead counsel in *In re Animation Workers Antitrust Litig.*, No. 14-cv-4062-LHK (N.D. Cal.), representing animation workers against the country's leading visual effects and animation studios for conspiring to suppress wages and limit workers' employment opportunities. For six years prior to joining the firm, Mr. Johnson focused on antitrust litigation at Latham & Watkins LLP.

Ms. Hafiz has represented plaintiffs in antitrust matters in various industries, including chemical industries. She was a key member of the co-counsel team that brought the first pay-for-delay class action to trial in the District of Massachusetts following the Supreme Court's decision in *FTC v. Actavis*, 133 S. Ct. 2223 (2013). She also serves as lead associate in a complex consolidated antitrust class action brought by mixed martial arts fighters against the Ultimate Fighting Championship (*Le et al. v. Zuffa, LLC*, No. 15-cv-1045 (D. Nev.)) and participated in the *E-books* and bulk bleach cases discussed above. Prior to joining Cohen Milstein, Ms. Hafiz served as your law clerk as well as a law clerk to the Honorable Juan R. Torruella on the United States Court of Appeals for the First Circuit.

Sincerely,

Cohen Milstein Sellers & Toll PLLC

Manuel John Dominguez
Partner